

REMARKS

The office action of January 22, 2009, has been carefully considered.

It is noted that claims 1-29 are objected to for containing various informalities.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph.

Claims 1-29 are rejected under 35 U.S.C. 103(a) over EP 0 879 927 to Demouy in view of the patent to Cook.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 5, 7, 19, 24 and 26.

Applicant has amended the claims to address the informalities pointed out by the Examiner. With this change it is respectfully submitted that the objection to claims 1-29 is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Applicant has amended claim 5 to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to Demouy, it can be seen that this reference discloses a plate tumbler cylinder lock.

The patent to Cook was discussed at some length in the previously filed amendments and those comments are incorporated herein by reference.

The examiner combined Cook with Demouy in determining that claims 1-29 would be unpatentable over such a combination. Applicant submits that the combination of references relied upon

by the Examiner does not teach the invention recited in the claims presently on file. The comb inserts of Demouy do not have teeth that limit the movement of the tumblers, as in the presently claimed invention. In Demouy, the limitation of the extent of movement of the tumblers is due to the construction of the tumblers themselves, which engage in the comb inserts.

Additionally, the comb of Demouy has an angled surface that engages with the contour of the tumblers. This is intended to damp the movement of the tumblers.

Cook adds nothing to the teachings of Demouy so as to suggest the presently claimed invention. The combination does not teach a construction having a comb with teeth that limit the movement of the tumblers. Furthermore, Demouy has a completely different objective, namely to damp movement of the tumblers and thus gives no teaching concerning a construction that provides the benefits of the present invention, namely to securely hold the tumblers in the cylinder core so that they are not lost, and to prevent break-ins. There is no teaching by the references of a construction that can provide these features and benefits.

In view of these considerations, as well as those of the last

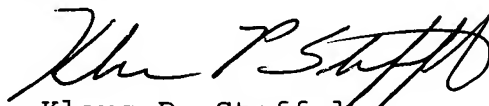
BM-177

filed amendment, it is respectfully submitted that the rejection of claims 1-29 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

Klaus P. Stoffel
Reg. No. 31,668
For: Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: April 22, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on April 22, 2009.

By: 
Klaus P. Stoffel

Date: April 22, 2009